

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES ALEXANDER,

Plaintiff,

No. 05-CV-73073-DT

vs.

Hon. Gerald E. Rosen

ANDREW JACKSON, et al.,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DISMISSING PLAINTIFF'S COMPLAINT**

At a session of said Court, held in the
U.S. Courthouse, Detroit, Michigan
on July 9, 2008

PRESENT: Honorable Gerald E. Rosen
United States District Judge

This Section 1983 prisoner civil rights matter having come before the Court on the May 1, 2008 Report and Recommendation of United States Magistrate Judge R. Steven Whalen recommending that the Court grant Defendant Jackson's motion for summary judgment and that Plaintiff's Complaint be dismissed in its entirety; and Plaintiff having timely filed objections to the Magistrate Judge's Report and Recommendation; and the Court having reviewed the Magistrate Judge's Report and Recommendation, Plaintiff's Objections, and the Court's entire file of this action, and having concluded that, for the reasons stated in the Report and Recommendation, Defendant's motion should be granted and this case should, accordingly be dismissed in its entirety; and the Court being otherwise fully advised

in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of May 1, 2008 [**Dkt. # 52**] be, and hereby is, adopted by this Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Defendant's Motion for Summary Judgment [**Dkt. # 47**] be, and hereby is, GRANTED. Accordingly, Plaintiff's Complaint is DISMISSED in its entirety with prejudice.

Based on the foregoing, this Court certifies that any appeal by Plaintiff would be frivolous and not in good faith. 28 U.S.C. § 1915(a).

s/Gerald E. Rosen
Gerald E. Rosen
United States District Judge

Dated: July 9, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 9, 2008, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager